



ADVISORY COUNCIL for the **EDUCATION** of **STUDENTS** with **DISABILITIES**

ANNUAL REPORT
JUNE 2004 - JULY 2005



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Tennessee Advisory Council for the Education of Students with Disabilities

Introduction

According to state and federal guidelines this Advisory Council has responsibility annually to issue a report to the State Board of Education, the Governor and the State Legislature. Additionally, this report will be provided to the Tennessee Department of Education. The information contained in this report represents a period of a school year showing the progress made in programs for children with disabilities. It is the Advisory Council's intention to work with the Department of Education to ensure the provision of appropriate services for children with disabilities throughout the State of Tennessee. This is accomplished through...

- Reporting by the Department to the Council
- Council giving feedback to the Department
- Public input presented to the Council
- Experiences of council members, who represent consumers

Mission Statement

The mission of Tennessee's Advisory Council for the Education of Students with Disabilities is to ensure that all students with disabilities are provided with services and opportunities necessary to develop to their full potential.

Authority

Tennessee's Advisory Council for the Education of Students with Disabilities was established in 1972 and is required by Tennessee Code Annotated 49-10-105. This legislation states that the council "shall advise and consult with the Governor, the Commissioner of Education, the State Board of Education, and the Director of the Division of Special Education."

The Individuals with Disabilities Education Act (IDEA), § 1412(a) (21), requires that the state establish and maintain an advisory panel *for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in the state*. Regarding duties, the advisory panel shall:

- ❖ *Advise the Department of Education of unmet needs within the state in the education of students with disabilities;*
- ❖ *Comment publicly on any rules or regulations proposed by the state regarding the education of students with disabilities;*
- ❖ *Advise the Department of Education in developing evaluations and reporting data to the U.S. Secretary under Section 618;*
- ❖ *Advise the Department of Education in developing corrective actions plans to address findings identified in federal monitoring reports under this part;*
- ❖ *Advise the Department of Education in developing and implementing policies relating to the coordination of services for children with disabilities; and*
- ❖ *Advise the Department of Education in serving the needs of students with disabilities in adult prisons.*

**COUNCIL GOALS AND
DEPARTMENT ACTIVITIES
2004 – 2005**

The following are goals established by the Advisory Council for July 2004 – June 2005. The activities described represent actions carried out by the Advisory Council for the Education of Students with Disabilities and the Division of Special Education (DSE) along with the Tennessee Department of Education (TDOE) related to the goals of the Council. Data reflecting the provision of special education and related services throughout the state is reported with associated council goals.

Council Goal 1: Promote improved student learning/progress.

COUNCIL ACTIVITIES

The Council received several updates regarding the reporting procedures for special education students as related to Adequate Yearly Progress. A specific opportunity is systems receiving additional funds, if the system's performance is directly related to the provision of service to IDEA Eligible students. Monetary grants may be available to the systems to provide differentiated programming to help "Bridge the Gap". The Council was also updated on the use of the Field Service Centers of the Department of Education as *Best Practice Models* to be utilized by the systems. Presentations were also given on the State Improvement Grant, the Reading First program for K-3 students and implementation of *Closing the Achievement Gap* recommendations.

DEPARTMENT ACTIVITIES

State Performance Plan: FAPE in the LRE. Program information provided to the U.S. Office of Special Education Programs (OSEP) includes special education and related services provided and student progress in general curriculum participation as part of the Individualized Educational Plan (IEP) along with graduation and drop-out rates for children with disabilities as compared to their non-disabled peers. Performance results for children with disabilities on statewide academic achievement tests can be found at: <http://www.k-12.state.tn.us/rptcrd05/state2.asp>

The Department is developing a system to determine students' progress in early language/communication, pre-reading, and social/emotional skills of preschool children with disabilities receiving special education and related services with a target date of February 1, 2007. Data options are being developed through the General Supervision Enhancement Grant.

High school graduation rates and drop-out rates for children with disabilities compared to non-disabled peers. Tennessee's graduates have a choice of three (3) different exit documents. There is the high school diploma, the high school certificate and the special education diploma. The high school diploma is awarded to students who (1) earn the specified 20 units of credit or satisfactorily complete an individualized educational program, (2) meet competency test or gateway examination standards, and (3) have satisfactory records of attendance and conduct.

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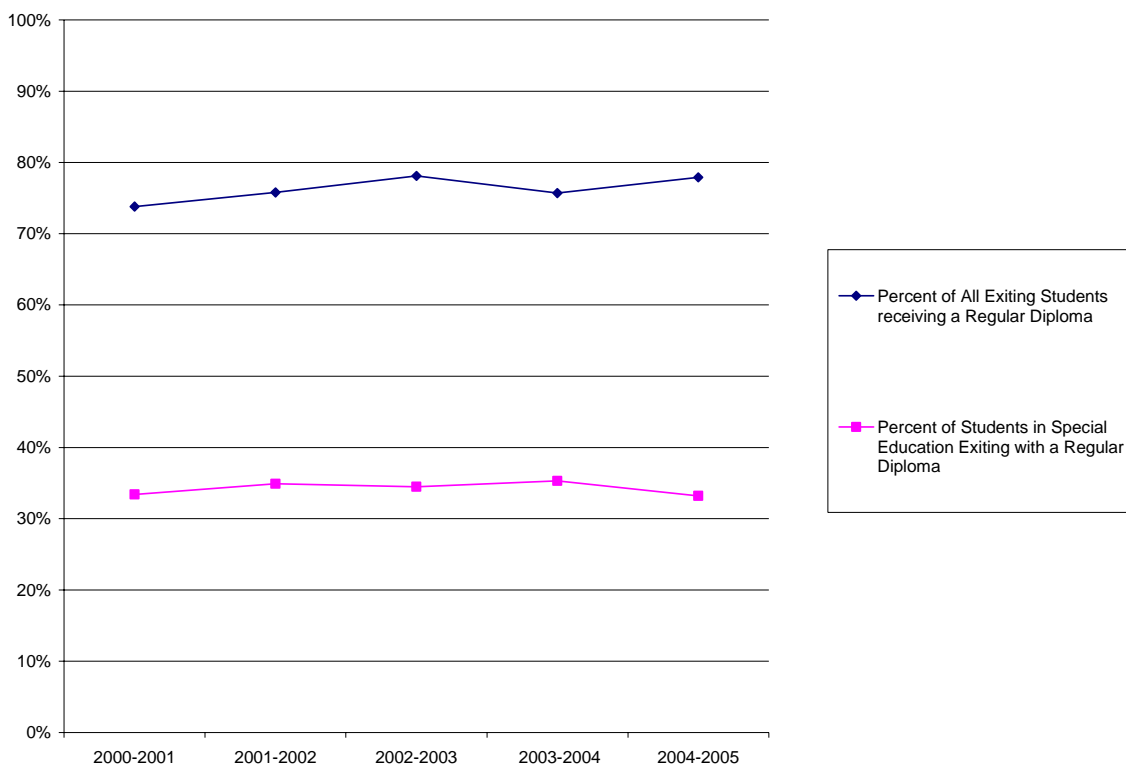
The high school certificate is awarded to students who have earned the specified 20 units of credit and who have satisfactory records of attendance and conduct, but who have not met competency test or gateway examination standards. The special education diploma is awarded to students who have satisfactorily completed an individualized education program, and who have satisfactory records of attendance and conduct, but who have not met competency test or gateway examination standards.

The percent of all students exiting with a regular diploma is defined as the number of all students who graduated with a regular high school diploma divided by the number of students age 14 or older who left school with a regular diploma, with a certificate, or by dropping out. The percent of students in special education exiting with a regular diploma is defined as the number of students receiving special education services who graduated with a regular high school diploma divided by the number of students receiving special education services age 14 or older who left school with a regular diploma, with a certificate, after reaching maximum age, or by dropping out. The calculation is the same for both regular and special education students.

As shown in Table 1.1, the percentages of general education students who are graduating with a high school diploma increased from 2001 to 2003 with a decrease shown for the 2003-2004 school year and an increase for 2004-2005 while the percentages of students in special education exiting with a regular diploma has shown a slight increase each year from 2001 to 2004. No Child Left Behind (NCLB) excludes GED completers from being considered as graduates.

Table 1.1
Percentage of Students Who Graduated with a Regular Diploma
(Graduation Rate expressed as a percentage of students exiting)

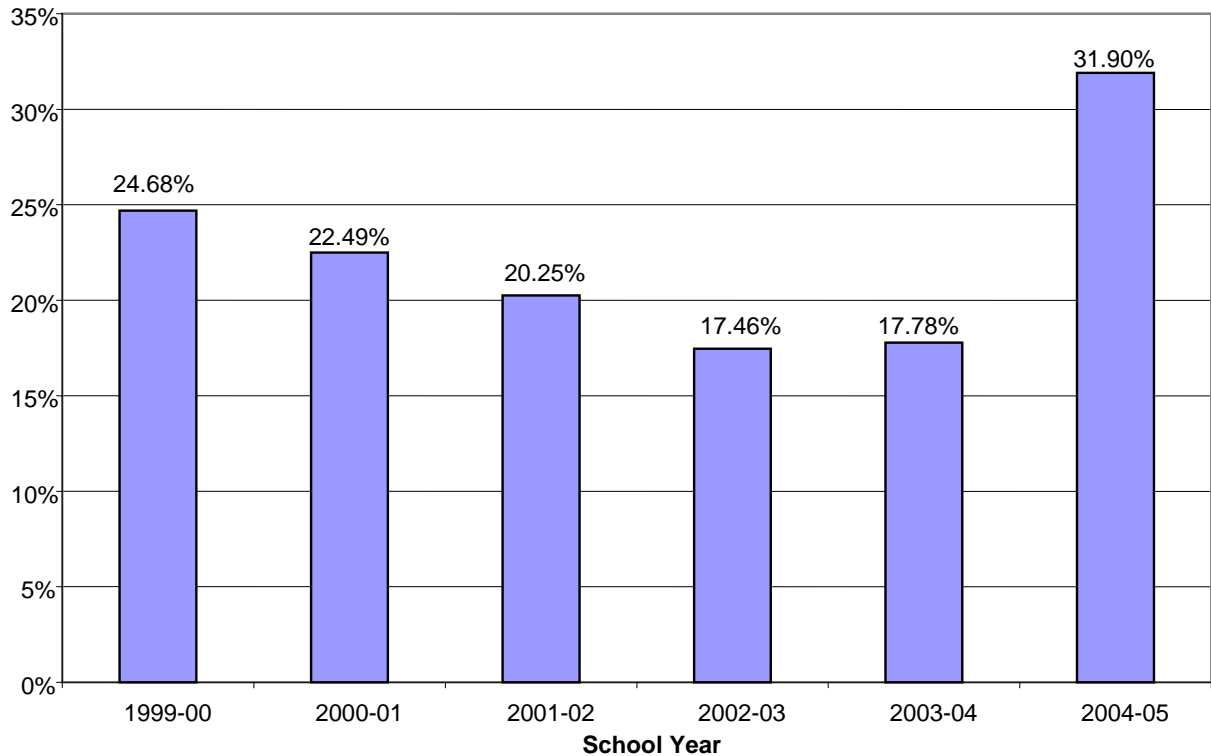
	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005
Percent of All Exiting Students receiving a Regular Diploma	73.8%	75.8%	78.1%	75.7%	77.9%
Percent of Students in Special Education Exiting with a Regular Diploma	33.4%	34.9%	34.5%	35.3%	33.2%



Source documents: Tennessee's 2001, 2002, 2003 and 2004 OSEP DANS Table 4; Tennessee Department of Education, Division of Accountability Roster of Graduates Reports for 2001, 2002, 2003, and 2004 school years; and Tennessee Department of Education 2004 Report Card, and 2005 Report Card.

Table 1.2

Percent Percent of Tennessee Students with Disabilities Age 14 and Older Dropping Out



Drop-out rate For Table 1.2 above, percentages of students dropping out were calculated by dividing the number of students with disabilities 14 years old and older who dropped out by the number of students with disabilities 14 years old and older who graduated with a diploma, received a certificate, reached the maximum age for services, died or dropped out, then multiplying by 100.

Percentages for each school year were as follows: 24.68 in 99-00, 22.49 in 00-01, 20.25 in 01-02, 17.46 in 02-03, 17.78 in 03-04 and 31.90 in 04-05. This was a significant increase in the drop out percentage in 2004-05 in comparison to the previous four years. This was primarily due to a change in the definition of drop-outs by OSEP. The category of students “moved, not known to be continuing” was counted as drop-outs beginning in 2004-05 where they had not been in the past. Prior to this there had been a steady decline in drop out rates over the last 4 years.

Council Goal 2: Promote expanded access to and quality of services to eligible students with disabilities to better prepare them for transition into their future environments.

COUNCIL ACTIVITIES

The council was presented information on statistics from follow up studies involving the aggregate and disaggregate data on students with disabilities and their peers. The over representation of minority students in the MR category was also presented. The process for the allocation of funds to systems that are found to have disproportional high numbers of minority students in the MR category was explained in detail. Special education staff are now in place to provide the tracking procedure for the post secondary services for students

DEPARTMENT ACTIVITIES

Child Count 618 Exit Data Part C 618 Exit Data indicates a continued reduction in the number of children exiting Part C with Part B eligibility determined. A close review of the 618 data collection and reporting in 2003-04 revealed that the data for previous years had included duplication and some Part C personnel were reporting Part B eligibility as presumed, not based on documentation verification of eligibility. A new process was instituted for non-duplication of data and training was provided to personnel related to the requirement to verify Part B eligibility for reporting. Therefore, the 2002-03 data actually provided the “true” baseline data for this area. It is assumed that the continued reduction in the number of children reported as determined for eligible for Part B is a result of the continuing improvement in the accuracy in data reporting.

Table 2.1
Child Count 618 Exit Data FFY 2003-2004

Total Number of Children exiting Part C at age 3 who were eligible for services under Part B

	2001-02	2002-03	2003-04	2004-05
Total # of children exiting Part C at age 3	3,119	2,190	3,923	2,480
Total # of children exiting Part C at age 3 who are eligible for Part B services	2,240	1,508	1,450	960
Percentage of children who exited Part C at age 3 who were eligible for Part B services	72%	69%	37%	39%

CIMP Monitoring of Local Education Agencies (LEAs):

The percentage of eligible children enrolled in appropriate LEA preschool programs by their third birthday is an important area of concern in Tennessee. Data identifying the means by which these children come into LEAs (i.e. Child Find or early intervention programs) as well as whether or not services were in place by the third birthday requires improvement before this area will be fully analyzed and effective improvement efforts put in place.

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LEA Monitoring for appropriate transition planning (beginning at age 14 or younger) shows that:

- * during the 2001-2002 school year, 22 of 43 LEAs monitored required and made improvement in participation of students with disabilities in post-school planning activities.
- * during the 2002-2003 school year, 17 of 34 LEAs monitored required and made improvement in participation of students with disabilities in post-school planning activities.
- * no Program Improvement Plans (PIPs) were needed for 2003-2004 in the participation of students with disabilities in post-school planning activities.
- * during the 2004-2005 school year, 1 of 29 LEAs required improvement in participation of students with disabilities in post-school planning activities. Results of improvement efforts for this school district will be validated during the 2005-2006 school year.

Council Goal 3: Promote inclusive education services that meet the needs of all students, regardless of their abilities and promote a sense of belonging and mutual respect for all students while affirming each student's individuality.

COUNCIL ACTIVITIES

TDOE staff summarized for the council the procedure for acquiring grants to implement and improve inclusive practice. The regional field offices will be utilized to provide training to the schools which have been selected to be Reading First Schools and for schools participating in the State Improvement Grant (SIG).

DEPARTMENT ACTIVITIES

Children with IEPs (aged 6 through 21) educated with non-disabled peers to the maximum extent appropriate;

Table 3.1

Settings where children with IEPs receive special education and related services

A. Percentage of Children Removed From Regular Class Less Than 21%

	Total # of children removed < 21%	Total number of children with disabilities	Percentages
Grand Total	47,546	136,298	34.88%

B. Percentage of Children Removed from Regular Class Greater than 60%

	Total # of Children Removed > 60%	Total Number of Children with Disabilities	Percentages
Grand Total	19,302	136,298	14.16%

C. Percentage of Children Served in Combined Separate Facilities *

	Total # of Children in Combined Separate Facilities	Total # of Children with Disabilities	Percentages
Grand Total	2,004	136,298	1.47%

*Combined Separate Facilities includes separate public/private schools, public/private residential and homebound/hospital.
Data Source: Federal Data Table 3, *Part B, Individuals with Disabilities Education Act Implementation of FAPE Requirements*

This baseline data for the 2004-2005 school year was attained from Table 3 of the December 1, 2004 Federal Census Report which was submitted by all school systems. Data reflects that over one-third (34.88%) of children with IEPs are removed from the regular class less than 21% of the day. The data also reflects that (14.16%) of children with IEPs are removed from the regular class greater than 60% of the day. Finally, children served in combined separate programs, which include children with IEPs served in public or private schools, residential placements or homebound/hospital placements make up only 1.47% of children served. This falls well below the 2003-2004 National Baseline of 4.0%. (The national baseline data for 2004-2005 is not yet available for comparison purposes.)

Data from CIMP Monitoring of LEAs in the area of General Curriculum Participation show that of the 43 LEAs monitored in 2001-2002, 6 required and made improvements in this area and of the 34 LEAs monitored in 2002-2003, 5 required and made improvements in this area. Across the state, school systems continue to improve in the education of disabled students with non-disabled peers. This improvement is evident by the low numbers of PIPs required to address this area. Numerous State approved inclusion sites are in operation across the state and continue to increase. Data gathered in the LEA Comprehensive Plan shows that LEAs who participate in system-wide inclusion of children with disabilities is increasing.

The TDOE provides continued support for the model LRE for LIFE and RISE sites and other inclusive initiatives, making available and providing technical assistance to all LEAs needing this assistance, including:

- ✱ Utilizing model LRE for LIFE and RISE sites for best practice to promote change in all school systems.
- ✱ Inviting all schools to participate in the LRE for LIFE and RISE Projects.
- ✱ Implemented statewide technical assistance to support programming for children having emotional and/or behavioral issues
- ✱ Continued effort to promote inclusion in the general education setting by reviewing general education curriculum at the local level to ensure children with disabilities are included.

Council Goal 4: Promote increased quality and quantity of personnel serving eligible children and youth with disabilities.

COUNCIL ACTIVITIES

The council was updated quarterly on personnel development activities in the Department of Education and Division of Special Education such as:

- * The Teach TN initiative, the training of individuals from other fields who wish to teach in Tennessee
- * The Become A Special Educator in TN (BASE-TN), an initiative that provides financial support for persons who desire to earn an initial Tennessee teacher license or an endorsement in special education. The BASE-TN support involves a commitment to teach in Tennessee public schools serving students with disabilities.
- * Persons seeking to become properly licensed Speech Language Pathologists through Master's level distance education/online courses.
- * The focus of No Child Left Behind (NCLB) on *highly qualified* instructional staff in special education.
- * Collaboration by the Department with TN Association of Administrators of Special Education (TAASE) to address need for Speech/Language Therapists.

DEPARTMENT ACTIVITIES

Personnel Employed and Needed to Provide Special Education and Related Services for Children and Youth with Disabilities. School systems annually provide the number of personnel, including administrators, teachers, related services providers, paraprofessionals, and other providers, employed to meet the identified educational needs of all children with disabilities in the State ages 3-21. Data shows an increase in total personnel serving students with disabilities in Tennessee LEAs each school year.

Table 4.1

	School Year 2001-02	School Year 2002-03	School Year 2003-04	School Year 2004-05
Teachers – Ages 3-5	355	388	467	423
– Ages 6-21	5,039	4,950	6,029	5,805
Other Special Education and Related Services Personnel	8,085	9,277	8,183	8,503
Total	13,479	14,615	14,679	14,731

Data Source: End-of-Year Report for Comprehensive Plan for Providing Special Education Services

Table 4.2
Teachers without proper licensing

	School Year 2001-0201	School Year 2002-03	School Year 2003-04	School Year 2004-05
Waivers	382	273	239	202
Permits	366	375	340	196
Alternative & Interim Licensures	N/A*	N/A*	315	464

*New category 2003-04

Waiver of Employment Standards – Permission granted to a local school system to employ one who holds a valid teaching license but does not have the appropriate endorsement. A waiver may be granted when the school system is unable to obtain the services of a qualified teacher for the type and kind of school in which the vacancy exists.

Permit to Teach – Permission granted to a local school system to employ one who does not hold a valid teaching license when the system is unable to obtain services of a qualified teacher for the type and kind of school in which the vacancy exists.

Alternative and Interim Licensures – Alternative A, B, C & E Licensures are obtained through the TDOE upon meeting all applicable requirements. Interim Licensures are available to teacher interns.

Council Goal 5: Promote adequate special education funding and improving procedures for allocation of funds.

COUNCIL ACTIVITIES

TDOE staff presented the Individuals with Disabilities Education Improvement Act of 2004 (IDEA 04) changes which allow for more flexibility for systems in how they distribute special education funds. Making the systems aware of this flexibility will allow the systems to provide more efficient services to the students.

DEPARTMENT ACTIVITIES

There has been concern that the current state funding formula may provide financial incentive for more restrictive placements and programming (*Tennessee IDEA Continuous Improvement Plan, July 2002, Area of Concern XVII.A*). For the more restrictive placements, more funding is available; **however**, LEAs must contribute additional local funds. Therefore, it is not an incentive to place children in more restrictive settings for the purpose of additional funding.

Table 5.1
Federal Funds Available for the Education of
Students with Disabilities

PROGRAM Source of Funds: Federal	2001-2002	2002-2003	2003-2004	2004-2005
Individuals with Disabilities Education Act, Part B Grant Funds	\$128,733,463	\$154,805,179	\$181,996,487	\$205,685,894
Individuals with Disabilities Education Act, Preschool Grant Funds	\$7,049,034	\$7,049, 034	\$7,005,401	\$7,009,209

Data Source: U.S. Department of Education Grant Award Notification

State Funds (BEP) – State educational funds are distributed under the provisions of the 1992 Education Improvement Act. LEAs are granted flexibility in the use of these funds and no specific dollar amount is earmarked for any program or activity.

The General Assembly mandated that the State Board of Education work with the Department in developing *caseload/class size* “averages” for special education. The Board developed a policy establishing *class sizes* April, 2002, which became effective in the 2003-2004 school year. A task force reviewed the implementation of this policy and considered recommendations for special education *caseloads*.

Council Goal 6: Promote improved state and local information management related to special education.

COUNCIL ACTIVITIES

The Council was updated regularly on the student management system in place in schools. The GSEG which will focus on improving infant/toddler and early childhood data collection is designed as an enhancement to the statewide student management system. Those areas involving the provision of services under IDEA, specifically “Easy IEP” will be implemented in pilot school systems during the 2005-06 School Year.

DEPARMENT ACTIVITIES

State procedures and practices for ensuring collection and reporting of accurate and timely data. Tennessee provides LEAs with timelines for data collection with the federal reports web based for those LEAs who have chosen to participate and for others paper reports are submitted. The General Supervision Enhancement Grant (GSEG) supports the implementation of an effective Continuous Improvement Focused Monitoring System and Improvement Plan at the State level through the development of a new, integrated, student-level, locally-entered, web-based, and state-wide database of IDEA –eligible infants, toddlers, children and youth.

The Department has offered a Statewide Student Management System (SSMS) to Tennessee LEAs with the pilot phase implementation beginning during the 2004-2005 School Year. SSMS includes a complete Student Information System (SIS) and an integrated special education module, EasyIEP®. By having one integrated system, data will pass from the SIS to Easy IEP®

Council Goal 7: Promote enhanced communication among community, educators and stakeholders on special education services and policies.

COUNCIL ACTIVITIES

There were several presentations made to the council concerning the enhancement of communication. There are several initiatives in place to achieve this goal. Some of these are; Continuous Improvement Monitoring Process (CIMP) for the local systems, child find, and parental group meetings. There will always be a need to increase the involvement of the parents and community in the educational process. The State Improvement Grant (SIG) was also presented highlighting the involvement of Family Service Consultants and other Department Staff along with the Parent, Service Provider and IHE Work Groups. Staff also discussed with the Council the Arc of TN Project LINK, a demonstration grant to support collaboration between families of students receiving special education services, public school teachers and LEAs. The Department of Education supports this grant in collaboration with the Developmental Disabilities Council.

DEPARTMENT ACTIVITIES

The provision of a free appropriate public education to children with disabilities is facilitated through parent involvement in special education services.

- (a) CIMP Monitoring of LEAs: Of the 31 LEAs monitored during the 2003-04 school year, 14 needed improvement in this area. All improvements were begun or completed. Twenty-nine (29) LEAs were monitored in 2004-05. Six (6) LEAs required improvement in this area. Validation of these improvements will occur in 2005-06.
- (b) Parent surveys: For the 2004-2005 school year, 79% of the 29 LEAs monitored reported positive survey responses to the majority of questions asked.

Complaints: Parental Complaint data continues to be analyzed for trends and increasingly used as a data source for assessing LEA training needs. Complaint logs now contain fields specifically for concerns about Parent Training/ Access to Information. The complaint resolution process is now requiring more specific corrective action plans. The technical assistance offered in that resolution more frequently recommends parent and staff training activities. A new LEA technical assistance manual on Parent Complaints was distributed spring of 2004.

Part Two
STATISTICAL INFORMATION

NUMBER OF STUDENTS WITH A DISABILITY

The table below contains data on numbers of children with disabilities served by the local school systems as of the end of the school year by rank with comparisons of the past four school years.

	School Year 2001-2002	School Year 2002-2003	School Year 2003-2004	School Year 2004-2005
Specific Learning Disability	64,976	61,276	59,026	57,531
Speech or Language Impairment	41,692	38,906	39,130	36,483
Mental Retardation	16,672	15,983	15,408	14,610
Intellectually Gifted	20,643	19,924	20,282	19,810
Other Health Impairment	11,973	12,420	13,062	13,207
Developmental Delay	6,241	6,457	6,719	6,520
Emotional Disturbance	5,392	5,334	5,232	4,711
Other (Functionally Delayed)	4,107	4,510	4,530	4,351
Multiple Disabilities	2,128	2,119	2,067	1,916
Orthopedic/Physical Impairment	1,346	1,264	1,240	1,204
Hearing Impairment	1,327	1,272	1,247	1,207
Autism	1,507	1,883	2,293	2,223
Visual Impairment	720	623	671	649
Deafness	382	391	410	182
Traumatic Brain Injury	324	316	323	308
Blind	205	286	284	192
Deaf-Blindness	6	4	6	5
TOTAL	179,641	172,968	171,930	165,109

Data Source: End-of-Year Report for Comprehensive Plan for Providing Special Education Services

Note: This is a **cumulative** count of **all** children served in special education during the school year.

**STATUS OF SERVICE FOR
STUDENTS WITH DISABILITIES
October 2001, 2002, 2003 & 2004
(Reported to State Chancery Court)**

CHILDREN WITH DISABILITIES

	2001	2002	2003	2004
Receiving Appropriate Services				
Receiving full special education/support services	143,476	144,681	141,530	133,546
Enrolled in private program at choice of parent and at parent's expense, with special education services provided by LEA	399	523	623	619
Receiving Less Than Appropriate Services				
Receiving some special education, but less than recommended service	75	89	37	5
Enrolled in school, recommended for special education but not receiving and special education services	190	210	257	98
Not enrolled in any educational program	242	240	218	157
Children Suspected to Have Disabilities				
Referred but not evaluated on October 1	4,867	3,923	4,139	3,871
Evaluated but not yet determined eligible/not eligible on October 1	3,141	2,378	2,040	1,957

Note: These numbers are as of October 1, 2001 through 2004 and will not be the same as the End-of-Year figures. The status of service for students with disabilities for October 1, 2005 will be reported in the next annual report.

Data Source: October Report for Chancery Court in the Case of Val Rainey vs. the Tennessee Department of Education.

Advisory Council Members

James Topp	Germantown
Vicki Blanchard	Lenoir City
Mary Beth Brooke	Chattanooga
Paula Brownyard	Jackson
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Samuel Cole	Nashville
Stephanie Faulkner	Nashville
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